



United States Department of the Interior

NATIONAL PARK SERVICE

1849 C Street, N.W.
Washington, D.C. 20240

JUL 03 2008

Re Pantages-Hippodrome Theatre Building, 400-16 12th Street, Oakland, California
Project Number: 19484

Dear

My review of your appeal of the decision of Technical Preservation Services, National Park Service, denying certification of the rehabilitation of the property cited above is concluded. The appeal was initiated and conducted in accordance with Department of the Interior regulations (36 CFR Part 67) governing certifications for Federal income tax incentives for historic preservation as specified in the Internal Revenue Code. Thank you and your associates, _____ for meeting with me in Washington on March 17, 2008, and for providing a detailed account of the project.

After careful review of the complete record for this project, including the additional information contained in _____'s e-mails and letters dated March 28, April 7, April 24, and May 6, 2008, I have determined that the rehabilitation of the Pantages-Hippodrome Theatre Building is not consistent with the historic character of the property and the historic district in which it is located, and that the project does not meet Standards 2, 5, and 6 of the Secretary of the Interior's Standards for Rehabilitation. Therefore, the denial issued on February 6, 2008, by Technical Preservation Services (TPS) is hereby affirmed. I note that the California State Office of Historic Preservation, which makes recommendations regarding certification applications to the National Park Service, also stated that the rehabilitation does not meet the Standards for Rehabilitation.

However, I have further determined that the project could be brought into conformance with the Standards, and thereby be certified, if the corrective measures described below are undertaken.

Built in 1912, and modified numerous times, including 1923, 1939, 1946, 1955, and 1963, the Pantages Theatre Building is located in the Downtown Oakland Historic district, and was certified as contributing to the significance of the district in my letter dated September 28, 2007. The in-progress rehabilitation was found not to meet the Standards owing to the installation of new windows deemed to be incompatible with the historic character of the building and the removal of interior features including corridors from the second and third floors.

I agree with TPS that the new windows installed have caused the rehabilitation to contravene Standards 2, 5, and 6. Standard 2 states: "*The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided.*" Standard 5 states: "*Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a historic property shall be preserved.*" Standard 6 states: "*Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires*

replacement of a distinctive feature, the new feature shall match the old in design, color, texture, and other visual qualities, and where possible, materials. Replacement of missing features shall be substantiated by documentary, physical, or pictorial evidence.” The new windows neither match the historic windows (still in place in a few openings at the time the rehabilitation commenced), nor are they compatible in themselves with the character of this early twentieth-century structure. As the previous decision noted, they were not inset as the original windows had been and lack a suitable offset between the upper and lower sash, thus imparting a very flat aspect to the building’s upper stories.

On the other hand, I do not agree with TPS regarding the work on the second and third floor spaces along the building’s perimeter. The features and finishes in these portions were very much altered, and those that remained were severely deteriorated from water infiltration and neglect over the years. I note further that you have replaced the window and door trim, and reconstituted the corridor and corridor walls in their historic locations. Accordingly, this issue has not entered into my decision.

However, photographs of the work completed to date that were presented during our meeting show that wall finishes and ceilings have been removed from the ground floor commercial spaces and not repaired or replaced. These spaces, including the former theater lobby with its coffered ceiling, which were historically finished, have been left unfinished. This work was not completed as described in the Historic Preservation Certification Application, Part 2. Item #5 of that application states: “At the former theater entry, a decorative plaster ceiling and flooring dating to the theater era were uncovered during demolition; these elements have been retained and repaired as necessary. Otherwise, these spaces will be developed as warm shells and finished to tenant needs. Finishes will be compatible with painted gypsum board walls, wall-to-wall carpet or tile flooring and painted gypsum board ceiling.” Photographs of the spaces presented at our meeting and in [redacted]’s letter dated May 6 show that the theater lobby ceiling has not been repaired, that the finished ceilings in the other spaces have been removed, and that other surfaces were left unfinished as well. I find that the resulting appearance of these primary spaces is not in keeping with the known historic character of the Pantages-Hippodrome Theatre, and also causes the rehabilitation to contravene Standards 2, 5, and 6, cited above.

I further find that there is virtually no exterior indication of the original theater entrance and marquee. Although the theater entrance had been altered over the years and the marquee had been removed, at the beginning of the rehabilitation work this section of the first floor was still differentiated from the other portions. That section of the façade now merely repeats the pattern of the storefronts on the remainder of the building, thus giving the appearance and character of a commercial building, not an historic theater. That change in character is accentuated by the new vertical sign mounted on the corner of the theater, away from the original entrance. These changes also contravene Standards 2 and 5, cited above.

While the completed rehabilitation cannot be approved, it can be brought into conformance with the Standards, and thereby achieve the requested certification, if the following remedial work were undertaken: Install windows that maintain the visual character of the historic windows in the Pantages-Hippodrome Theatre. Finish the ground floor commercial spaces as originally proposed in the Part 2 application. Replace the infilled storefront at the location of the original theater entrance and marquee so that they are indicated on the exterior and related to the remaining ceiling of the original lobby interior. Remove the vertical sign on the corner of the theater. If you wish to pursue these corrective measures, you should submit any proposals for doing so for review and approval through the California State Office of Historic Preservation to Technical Preservation Services prior to commencing construction. Note that this project will remain ineligible for the tax incentives until it is designated a “certified rehabilitation” following completion of the overall project.

As Department of the Interior regulations state, my decision is the final administrative decision regarding rehabilitation certification. A copy of this decision will be provided to the Internal Revenue Service. Questions concerning specific tax consequences of this decision or interpretations of the Internal Revenue Code should be addressed to the appropriate office of the Internal Revenue Service.

Sincerely,

A handwritten signature in black ink, appearing to read "John A. Burns". The signature is fluid and cursive, with a large initial "J" and a long, sweeping underline.

John A. Burns, FAIA
Chief Appeals Officer
Cultural Resources

cc: SHPO-CA
IRS